

 KENTUCKY CORRECTIONS Policies and Procedures	Policy Number	Total Pages
	27-12-11	4
	Date Filed	Effective Date
	March 12, 2012	May 4, 2012
Authority/References KRS 346.180, 431.200, 439.315, 439.348, 439.480 (5&6), 439.563, 533.020, 533.030 534.040 P&P ACA 3D-25, 2F-02	Subject GUIDELINES FOR MONITORING FINANCIAL OBLIGATIONS	

I. DEFINITIONS

“Payment schedule” means all payments established over a set period of time to achieve total payment of a pending financial obligation.

“Releasing authority” means the court, if the offender is placed on probation or pretrial diversion, or the parole board if the offender is placed on parole.

“Restitution” means any payment ordered by the court or parole board for loss, damage, or injury caused to a victim by the offender.

II. POLICY and PROCEDURES

The Probation and Parole officer shall monitor and keep a record of all payments including any fine or court cost ordered by the releasing authority.

A. Notification of Monetary Conditions Ordered by Releasing Authority

The offender’s financial status and ability to pay shall be assessed and included in the Presentence Investigation. When the officer is notified of monetary conditions of supervision ordered by the releasing authority, the officer shall advise the offender of the general and special conditions and include these in the regular conditions of supervision. The offender shall receive a copy of the conditions of supervision. CPP 27-12-04 (Conditions of Supervision Document and Request for Modification) sets forth the procedural steps for the conditions of supervision and distribution. The payment schedule shall be explained to the offender as ordered by the releasing authority.

B. Monitoring Payments Ordered by the Releasing Authority and Fees

Payments shall be made as ordered by the releasing authority. The officer shall monitor the payments by:

Policy Number	Effective Date	Page
27-12-11	May 4, 2012	2

1. Keeping a record of all fees or restitution payments. The officer shall enter payment information into the offender management system.
2. Maintaining a copy of the receipt unless the court provides other means of verification.
3. Recording all financial payments made by the offender into the chronological narrative of the offender management system within three (3) working days of receipt.

C. Offender's Responsibility

1. The offender shall provide to the Probation and Parole officer a receipt of payments made at the clerk's office.
2. The officer shall not accept cash or check payments from the offender for drug testing fees, restitution to a victim, or restitution to the Crime Victim Compensation Board. All payments shall be made in the form of a money order and shall be made payable to the appropriate recipient. The offender shall make money orders for drug testing fees payable to the Kentucky State Treasurer. The officer shall give all money orders for drug testing fees to the District Supervisor or designee. (3D-25)

D. Modifications

Only the releasing authority has authority to make any adjustment in the original order. The officer may make recommendations for modification of monitoring conditions by following procedures outlined in CPP 27-12-04 (Conditions of Supervision Document and Request for Modification). A request for a waiver or an adjustment may be utilized in requesting a modification.

E. Violations

1. The officer shall advise the releasing authority regarding non-payment of any financial conditions of supervision through an approved supervision report when notification is required. See notification requirement for an offender who is more than three (3) months in arrears on restitution in CPP 27-15-01 (Investigating and Reporting Violations and Unusual Incidents).
2. See CPP 27-19-01(Preliminary Revocation Hearing) if revocation proceedings are required.

F. Transfers

Policy Number	Effective Date	Page
27-12-11	May 4, 2012	3

The transfer of an offender to another jurisdiction shall not relieve the offender's obligation for payment of any financial obligation ordered by the releasing authority. The officer in the jurisdiction of transfer shall be made aware of the financial conditions of release at the time of transfer. Payment shall continue to be made as outlined in this policy.

G. Restitution

1. Money orders for restitution ordered to be paid directly to the victim shall be made payable to the victim. The offender shall give the money order to the Probation and Parole officer to document payment and send to the victim. Money orders for restitution ordered to be paid to the Kentucky Victims Compensation Board shall be made payable to the Kentucky Victims Compensation Fund. The offender shall give the money order to the Probation and Parole officer for documentation of payment and the officer shall send it to the Kentucky Victims Compensation Board. (2F-02)
2. An offender shall not be released from parole supervision until all restitution ordered by the parole board is paid in full. Upon verification that restitution is satisfied, the officer shall proceed pursuant to CPP 27-24-01 (Releasing an Offender from Active Supervision).

H. Distribution of Drug Testing Fees

1. Unless otherwise ordered by the releasing authority, offenders shall be assessed a fee to cover the costs associated with drug and alcohol testing. An offender on supervision shall pay a \$10 monthly drug testing fee. If payment is submitted at an alternative reporting location outside of the Probation and Parole Office where no duplicating method is available, the staff member shall be provided with a numbered receipt book for accounting purposes.
2. Money orders for drug testing fees shall be made payable to the Kentucky State Treasurer. The money order shall be signed by the offender as the purchaser and indicate the offender's name in some legible manner. If an offender produces a money order older than 120 days, the money order shall be returned to the offender.
3. After properly documenting payment, the Probation and Parole Officer shall submit the money order to the District Supervisor or designee. Upon receipt by the District Supervisor or designee all money orders shall be secured in a locked container. All money orders received shall be forwarded weekly to the Office of Administrative Services in Central Office via United States Postal Service. A transmittal ledger listing each

Policy Number	Effective Date	Page
27-12-11	May 4, 2012	4

money order, the amount of each money order, and the total sum of the money orders shall be sent with the money orders.

4. Any disbursement of money order to the Office of Administrative Services which contain ledgers or money orders older than 120 days (not at the fault of the offender) shall include a written report to the Office of Administrative Services and the Director's Office explaining the reason for the occurrence. The District Supervisor shall maintain a copy of all ledgers, money orders, and receipts issued for the collection of money orders. All accounting records for collection of drug testing fees may be inspected by the Branch Manager, the Director or the Director's designee. Records may be saved electronically and shall be labeled for time period, office, and staff member assigned.
5. Upon receipt of money orders, the Office of Administrative Services or designee shall reconcile the money orders received with the transmittal ledger provided by the sending district. If the money orders and transmittal ledger are in agreement, the Office of Administrative Services or designee shall sign and date the transmittal ledger. If they are not in agreement, the sending district Supervisor shall be contacted for clarification. After the reconciliation, Office of Administrative Services or designee shall deposit these funds into the appropriate fund.

I. The Probation and Parole officer shall:

1. Encourage the offender to be responsible in handling all financial obligations and the importance of establishing a good credit standing,
2. Notify the offender when a creditor has contacted the Probation and Parole office, and inform the offender that the creditor has an option of pursuing legal action if the financial obligation is not met,
3. Shall give recommendations or refer the offender for financial counseling, and
4. Prepare an approved supervision report to advise the releasing authority of potential problems or new charges, if the offender fails to meet the outstanding financial obligation reported (Example: a returned personal check).

J. The Division of Probation and Parole shall not collect debts that are not ordered by the releasing authority.